IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVI APPELLATE SIDE JURISDICTION

WRIT PETITION NO 7735 OF 2005

Shri Yashwant K Patil by LRs and ors....Petitioners

vs

Shri Ananda H Fuke. ..Respondent

Mr R.V.More for petitioners
Mr.S.A.Pawar for respondent

CORAM: S.U.KAMDAR J.

Dated 5.l2.2005

P.C:

. The present petition is challenging the order dated 22.6.2005 by which amendment application has been granted by the Civil Judge J D Shirala. The only contention raised is that the amendment changes the nature of the suit. From a bare reading of the order it is clear that there is no such situation. However, on the contrary the amendment is sought on the ground that they have forcibly dispossessed during the pendency of the suit. The learned counsel for the petitioner states that that is not the correct position. If that is so same can be decided by the trial court on its own merit. Amendment cannot be refused by going into merit of the case. In that view of the matter there is no infirmity in the order passed by the trial court. Petition is dismissed accordingly

with no order as to costs.